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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,813	12/20/2001	Benjamin J. Parker	1793(15811)	1041

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EXAMINER


DYKE, KERRI M

ART UNIT	PAPER NUMBER
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2667

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/033,813	Applicant(s) PARKER ET AL.	
	Examiner Kerri M. Dyke	Art Unit 2667	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7,10-18,21,23,25,26 and 28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7,10-18,21,23,25,26 and 28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Claims 2-4, 8, 9, 19, 20, 22, 24, 27, and 29 have been canceled.
2. Claims 1, 15, 21, 23, 25, 26, and 28 have been amended.
3. Claims 1, 5-7 10-18, 21, 23, 25, 26, and 28 are pending.

Response to Arguments

4. Applicant's arguments, see page 12 paragraph 2, filed 1/06/2006, with respect to the drawings have been fully considered and are persuasive. The objection of the drawings has been withdrawn.
5. Applicant's arguments, see page 12 paragraph 3, filed 1/06/2006, with respect to claims 4-6, 8, and 9 have been fully considered and are persuasive. The rejection of claims 4-6, 8, and 9 has been withdrawn.
6. Applicant's arguments with respect to claims 1-5 and 7-27 (now 1, 5, 7, 10-18, 21, 23, 25, and 26), 6, and 28 have been considered but are moot in view of the new ground(s) of rejection.
7. Applicant's amendment of independent claims 1, 15, 21, 23, 25, 26, and 28 introduced the new limitation of using a server to relay data messages between the users, whereby the data messages are exchanged without said users having direct access to the IP address of each other. Applicant is correct that Ranalli neither teaches nor suggests such a limitation. Klein does teach such a limitation in column 2 lines 51-67. There is a reasonable expectation that the addition of a personal receptionist server, as taught by Klein, to the address lookup system of Ranalli will function properly. In fact, the personal receptionist server could include the directory lookup service taught by Ranalli. Therefore, the previous rejection of claims 1, 5, 7, 10-18, 21, 23, 25,

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and 26 is maintained with the addition of the teachings of Klein. The previous rejection of claims 6 and 28 is also maintained with the addition of the teachings of Klein.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 5, 7, 10-18, 21, 23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranalli et al. (US 6,539,077) in view of Klein (US 6,690,672).

10. The text of the previous rejection, found on page 3 of the action dated 10/11/2005 is inserted below.

11. In regards to claims 1-5 and 7-27 the Ranalli et al. patent in its entirety is particularly relevant. It discloses several different embodiments of a method for exchanging data by dialing a phone number and having the phone number matched to its IP address. Each end user is supplied with the IP address of the other end user in order to facilitate message transfer. The database of records, which contains the matching IP/phone addresses, is kept in a server through which calls are routed. Data messages include voice conversations and data files. The data files can be sent to an end computer or to a printer. An initiation request, broadly interpreted, is the act of picking up the phone and dialing the desired phone number. In the same manner the acceptance message is answering the phone and the data messages can only be exchanged after acceptance. Ranalli also describes a method of registering a new user to the database, which

includes supplying an IP address and unique identifier, i.e. a telephone number. A computer program product is specifically mentioned in column 17 lines 19-21.

12. The following is rationale for the combination of Ranalli and Klein.

13. Ranalli does not explicitly teach the new limitation of claim 1, “said desired user sending an accept message in response to said initiation message if said desired user wishes to exchange said data message with said requesting user.” The feature is, however, inherent because the act of answering the phone call is an acceptance message.

Ranalli does not disclose the new limitation, added to each of the independent claims, that a server is used to relay messages such that the users do not have direct access to the IP address of one another.

Klein teaches using a personal receptionist server to relay messages between the two end users in column 2 lines 51-67. (Within the same passage Klein explicitly teaches an acceptance message.) It is not unreasonable to believe that the combination of Ranalli and Klein would not return the IP address of the desired user to the requesting user. Ranalli discloses returning the IP address of the desired user in order to facilitate a call setup by the requesting user with the desired user. After the combination of Ranalli and Klein one of ordinary skill in the art would expect the IP address to be returned to the personal receptionist server, which facilitates a call setup between the users, instead of returning the IP address directly to the requesting user.

Ranalli can be described as a phone number (or IP address) lookup service. The destination number is returned to the end user and the end user must then terminate the lookup session and manually call the desired user. Klein discloses in column 1 lines 13-34 that it is desirable to have a lookup function that can automatically initiate a call after finding the

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destination number. Therefore, it would have been obvious to one of ordinary skill in the art to combine Ranalli's directory service with Klein's personal receptionist server because doing so would result in low cost IP telephony calls, as taught by Ranalli, that were place automatically after determination of the desired user's address.

14. Claims 6 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranalli et al. (US 6,539,077) in view of Klein (US 6,690,672) further in view of Tompkins et al. (US 4,710,917).

15. The text of the previous rejection, found on page 4 of the action dated 10/11/2005 is inserted below. Claim 6 was unchanged. Claim 28 includes the addition of the limitation of a server that relays messages between the users such that the users do not know the IP address of one another. Klein meets that limitation with the same rationale for combination as given above.

16. In regards to claims 6 and 28, Ranalli and Klein disclose the address translation system, but not using it for video telephony.

Tompkins et al. disclose a network to enable video conferencing.

It would have been obvious to one of ordinary skill in the art to use the methods of Ranalli et al. to enable full color, real-time video conferencing as taught by Tompkins et al. because full color, real-time video is the most desirable method for video conferencing as taught by Tompkins et al. in column 1 lines 63-64. Ranalli et al. also discloses in column 1 line 57 – column 2 line 20 that their method results in lower costs, a major concern for video teleconferencing, as disclosed by Tompkins et al. in column 1 line 24

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kerri M. Dyke whose telephone number is (571) 272-0542. The examiner can normally be reached on Monday through Friday, 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kmd


CHI PHAM
SUPERVISORY PATENT EXAMINER
1/18/06